

Senate Bill No. 1357

Passed the Senate May 14, 2012

Secretary of the Senate

Passed the Assembly July 2, 2012

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2012, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 3060 of the Government Code, relating to public officers.

LEGISLATIVE COUNSEL'S DIGEST

SB 1357, Cannella. Removal from office: grand jury accusation.

Existing law provides for the removal of public officers for willful or corrupt misconduct in office. Existing law provides that an accusation in writing against any officer of a district, county, or city for willful or corrupt misconduct in office may be presented by the grand jury of the county for, or in, which the officer accused is elected or appointed. Existing law authorizes the impaneling of an additional grand jury under specified circumstances. Under existing law, an accusation may not be presented without the concurrence of a specified number of grand jurors.

This bill would provide that the grand jury presenting the accusation against an officer for willful or corrupt misconduct in office may also be the additional grand jury impaneled pursuant to those provisions. The bill would require the concurrence of 14 grand jurors in a county in which the required number of grand jurors is 23 in order for an accusation of misconduct against an officer, as described above, to be presented.

The people of the State of California do enact as follows:

SECTION 1. Section 3060 of the Government Code is amended to read:

3060. An accusation in writing against any officer of a district, county, or city, including any member of the governing board or personnel commission of a school district or any humane officer, for willful or corrupt misconduct in office, may be presented by the grand jury of the county for, or in, which the officer accused is elected or appointed. The grand jury presenting the accusation may also be the additional grand jury impaneled pursuant to Section 904.4, 904.6, or 904.8 of the Penal Code. An accusation may not be presented without the concurrence of at least 12 grand jurors, or at least 8 grand jurors in a county in which the required number

of members of the grand jury is 11, or at least 14 grand jurors in a county in which the required number of members of the grand jury is 23.

Approved _____, 2012

Governor